

CHAPTER 20

SECONDARY ROADS

AN ACT to define and designate the secondary roads of the state, to provide for the construction and maintenance of such roads, to authorize levies of taxes in order to effect such construction and maintenance, to set aside certain public funds in order to supplement said taxes, to provide for a road poll tax, and for the collection thereof, to provide for and regulate the anticipation and expenditure of said funds, to define the powers and duties of public officers and employees in reference to such work, to coordinate and harmonize various statutes which relate to roads and highways, and to this end to repeal sections forty-five hundred ninety (4590), forty-six hundred fifty-nine (4659), seventy-six hundred forty-three (7643), and seventy-six hundred forty-five (7645), and to enact substitutes therefor; to amend sections three hundred fifty-one (351), forty-six hundred five (4605), forty-six hundred eight (4608), forty-six hundred fifty-three (4653), forty-six hundred sixty (4660), forty-six hundred sixty-two-a three (4662-a3), forty-six hundred sixty-six (4666), forty-six hundred sixty-nine (4669), forty-six hundred seventy (4670), five thousand ninety-three-a nine (5093-a9), seventy-four hundred seventy (7470), seventy-five hundred thirty-nine (7539), seventy-six hundred thirty-eight (7638), seventy-six hundred forty-two (7642), seventy-six hundred forty-four (7644), seventy-six hundred forty-seven (7647), seventy-six hundred forty-nine (7649), seventy-six hundred fifty (7650), and section one (1) of chapter three (3), acts special session of the forty-second (42) general assembly (said last section being a substitute for section forty-seven hundred fifty-five-b-five (4755-b5), code, 1927); to repeal sections forty-six hundred thirty-five (4635) to forty-six hundred forty-four (4644), inclusive, sections forty-six hundred forty-six (4646) to forty-six hundred fifty (4650), inclusive, forty-six hundred sixty-two-a-two (4662-a2), forty-six hundred sixty-four (4664), forty-six hundred sixty-five (4665), forty-six hundred seventy-five (4675), seventy-four hundred eighty-five (7485); and to repeal chapters two hundred forty-four (244) and two hundred forty-five (245), relating to highways, all of said sections and chapters, except as otherwise indicated, being of the code, 1927.

Be it enacted by the General Assembly of the State of Iowa:

**SECONDARY ROAD AND BRIDGE SYSTEMS
IN GENERAL**

1 **SECTION 1. Construction, repair, and maintenance.** The duty to
2 construct, repair, and maintain the secondary road and bridge systems
3 of a county is hereby imposed on the board of supervisors.

1 **SEC. 2. Secondary road system.** The secondary road system of a
2 county shall embrace all public highways within the county except
3 primary roads, state roads, and highways within cities and towns.

1 **SEC. 4. Secondary bridge system.** The secondary bridge system
2 of a county shall embrace all bridges and culverts on all public high-
3 ways within the county except on primary roads and on highways
4 within cities which control their own bridge levies, except that cul-
5 verts which are thirty-six inches or less in diameter shall be con-
6 structed and maintained by the city or town in which they are located.

1 **SEC. 5. Designation of roads.** The roads which are now designated
2 as county roads by the plans and records now on file in the office of
3 the county auditor of each county and in the office of the state high-
4 way commission shall hereafter be known as county trunk roads. All
5 other roads of said secondary system shall be known as local county
6 roads.

1 **SEC. 6. Modification of trunk roads.** The mileage of the present
2 county trunk roads shall not be materially increased until the con-

3 struction work thereon is substantially completed except that the
4 board may modify, relocate or make additions to said roads. All in-
5 creases, additions, modifications or relocations shall be subject to the
6 approval of the state highway commission.

1 **SEC. 7. Mandatory construction levy.** The board of supervisors
2 shall, annually, at the September session of the board, commencing
3 in 1929, levy, for secondary road construction purposes, a tax of two
4 mills on the dollar on all the taxable property in the county, except
5 on property within cities which control their own bridge levies.

1 **SEC. 8. Optional construction levy.** The board may, in addition to
2 the foregoing levies, levy, for construction purposes, a tax of not to
3 exceed two and one-half mills on the dollar on all taxable property in
4 the county except on property within cities and towns.

1 **SEC. 9. Secondary road construction fund.** The secondary road
2 construction fund shall consist of:

3 1. All funds derived from the aforesaid construction levies, and
4 2. All funds allotted to the county from the state tax on gasoline,
5 and

6 3. All funds received by the county from the state as refunds for
7 bridges, culverts, and rights of way on primary roads, not already
8 anticipated by the county, and

9 4. All other funds which may be dedicated by law to said fund,
10 and shall be used and employed as herein provided.

1 **SEC. 10. Pledge to local roads.** Thirty-five per cent (35%) of the
2 yearly secondary road construction fund is hereby pledged to the
3 improvement of, and shall be expended on, those local county roads
4 which the board finds are of the greatest utility to the people of the
5 various townships.

1 **SEC. 11. General pledge.** The balance of said secondary road con-
2 struction fund shall be used for any or all of the following purposes
3 at the option of the board of supervisors:

4 1. To the payment of the cost of constructing the roads embraced
5 in the existing county trunk road system.

6 2. To the payment of the outstanding county road bonds of the
7 county authorized and issued under chapter two hundred forty-two
8 (242), code, 1927, to the extent heretofore pledged.

9 3. To the payment of legally outstanding bridge or road bonds of
10 the county (not including primary road bonds), when construction
11 work on the county trunk system of the county is complete.

12 4. To the discharge of any legal obligation or contract which, un-
13 der the provisions of this chapter, is required to be taken over and
14 assumed by the county.

15 5. To the payment of all or any part of special drainage assess-
16 ments which may have been, or may hereafter be, levied on account
17 of benefits to secondary roads.

18 6. To the payment of the cost of constructing local county roads
19 and expenditures pertaining thereto, but only when the construction
20 work on the county trunk roads has been fully completed, and when
21 the board deems it inadvisable to make additions to said trunk roads.

1 **SEC. 12. Mandatory maintenance levies.** The board of supervisors
2 shall, annually, at the September session of the board, commencing
3 in 1929, levy, for secondary road maintenance purposes, the follow-
4 ing taxes:

5 1. A tax of five mills on the dollar on all taxable property in the
6 county, except on property within cities which control their own
7 bridge levies, and

8 2. A tax of seven and one-half mills on the dollar on all taxable
9 property in the county, except on property within cities and towns.

1 **SEC. 13. Optional maintenance levy.** The board may increase the
2 levy specified in paragraph two (2) of the preceding section to an
3 amount not exceeding twelve mills.

1 **SEC. 14. Secondary road maintenance fund.** The secondary road
2 maintenance fund shall consist of:

3 1. All funds derived from the aforesaid maintenance levies, and

4 2. All funds allotted to the county from the state tax on motor
5 vehicle carriers, and shall be used and employed as herein provided.

1 **SEC. 15. Pledge of maintenance fund.** The secondary road main-
2 tenance fund is hereby pledged:

3 1. To the payment of the cost of maintaining the secondary roads
4 according to their needs.

5 2. To the payment of the cost of bridge repairs, culvert material,
6 machinery, tools and other equipment.

7 3. To the payment of all or any part of special drainage assess-
8 ments which may have been, or which may hereafter be, levied on
9 account of benefits to secondary roads.

1 **SEC. 15-a1. Mandatory levy.** The board of supervisors shall, an-
2 nually, at the September session of the board, commencing in 1929,
3 levy two and one-half (2½) mills on the dollar on all taxable property
4 of the county, the same to be pledged either to the construction fund
5 or the maintenance fund as the board may direct.

1 **SEC. 16. Mandatory levies—option to reduce.** In any county
2 where the combined estimated proceeds of the mandatory levies re-
3 quired to be levied for the construction and maintenance funds by
4 this act shall exceed the total amounts collected by direct property
5 taxation in the county from levies imposed during the year 1927 for
6 collection in 1928 for county and township road, bridge, drainage and
7 dragging funds, the board of supervisors may, at their discretion,
8 reduce the mandatory levies for the construction fund or the main-
9 tenance fund, or both, to such a point where the estimated revenues
10 from the levies shall not produce a greater amount than that raised
11 by levies for all road, bridge and drainage purposes in such counties
12 by the levies imposed in 1927 for collection in 1928.

1 **SEC. 18. Transfers generally.** The board may, with the approval
2 of the state budget director, make a permanent or temporary transfer
3 of funds from the secondary road construction fund to the secondary
4 road maintenance fund, or from the latter fund to the former fund.

1 **SEC. 19. Duty of highway commission.** The state highway com-
2 mission shall when requested by the board of supervisors advise with

3 said board as to the manner of constructing and maintaining the sec-
4 ondary roads.

COUNTY ENGINEER

1 SEC. 20. **Engineer—term.** The board of supervisors shall employ
2 one or more registered civil engineers who shall be known as county
3 engineers. The board shall fix their term of employment which shall
4 not exceed three (3) years, but the tenure of office may be terminated
5 at any time by the board.

1 SEC. 21. **Compensation.** The board shall fix the compensation of
2 said engineer or engineers, and pay the same, together with all engi-
3 neering costs, from the general county fund, or from the secondary
4 road construction fund or from the secondary road maintenance fund,
5 or from any or all of said funds.

1 SEC. 22. **Duties—bonds.** Said engineers shall, in the performance
2 of their duties, work under the directions of said board and shall give
3 bonds for the faithful performance of their duties in a sum not less
4 than two thousand (2000) nor more than five thousand dollars
5 (\$5000), to be approved by the board.

1 SEC. 23. **Engineers—itemized account.** All county engineers and
2 their assistants shall, for all work done or expenses made, file an
3 itemized and verified account, with the board of supervisors, stating
4 the time actually employed each day, the place where such work was
5 done, the character of the work done, and also file with such account
6 vouchers for any expense.

1 SEC. 24. **Supervision of construction and maintenance work.** All
2 construction and maintenance work shall be performed under the
3 direct and immediate supervision of the county engineer who shall
4 be deemed responsible for the efficient, economical and good faith
5 performance of said work.

CONSTRUCTION PROGRAM

1 SEC. 25. **Construction program or project.** Before proceeding with
2 any construction work on the secondary road system for any year or
3 years, the board of supervisors shall, subject to the approval of the
4 state highway commission, adopt a comprehensive program or proj-
5 ect based upon the construction funds estimated to be available for
6 such year or years, not exceeding three (3) years.

1 SEC. 26. **Scope of program.** In the selection of the local county
2 roads as a part of said program or project, the board shall instruct
3 the county auditor to notify the board of trustees of each township not
4 later than January first, to prepare a tentative plan of improvement
5 for roads in their township, setting out in that plan the road or roads
6 which, in their estimation, should be improved first, and shall also
7 name those which should be thereafter improved and file such plan
8 with the county auditor not later than February first of each year.

9 After such plans have been filed by the several boards of trustees,
10 the board of supervisors shall, together with the county engineer,

11 proceed to plan a program of construction of both county trunk and
12 local county roads, always observing the plans filed by the boards of
13 trustees.

1 SEC. 27. Uniform and unified plan required. Said program or
2 project shall be planned on the basis of one general, uniform, and
3 unified plan for the complete and permanent construction of the roads
4 embraced therein as to bridge, culvert, tile, and grading or other im-
5 provements.

1 SEC. 28. Material considerations for farm-to-market roads. In plan-
2 ning and in adopting said program or project by the board of super-
3 visors, said board and the county engineer shall give due and careful
4 consideration, (1) to the location of primary roads, and of roads here-
5 tofore improved as county roads, (2) to the market centers and main
6 roads leading thereto, and (3) to rural mail and school bus routes, it
7 being the intent of this chapter that said program or project will,
8 when finally executed, afford the highest possible systematic, intra-
9 county and intercounty connections of all roads of the county.

1 SEC. 29. Provisional selection of roads. The board after due con-
2 sultation with the county engineer, shall first select in a provisional
3 way the roads which they then consider advisable to embrace in said
4 program, and direct said engineer to make a reconnoissance survey
5 and estimate of all said roads, or of such part thereof as, in view of
6 the public necessity and convenience, present the most urgent need
7 and necessity for early construction.

1 SEC. 30. Report of engineer. In addition to the foregoing, the
2 engineer, when so ordered by the board, shall make written report
3 to the board and shall designate therein in their order of importance
4 the roads which, in his judgment, are most urgently in need of con-
5 struction.

1 SEC. 31. Recommendations. The engineer may in his report recom-
2 mend that certain definitely described roads or parts thereof be
3 omitted from the provisional program or project, or that certain
4 definitely described roads or parts thereof be added thereto, and in
5 such case he shall clearly enter on his report the reasons therefor.

1 SEC. 32. Map required. A map of the county showing the location
2 of the proposed program or project shall accompany the report of
3 the engineer.

1 SEC. 33. Additional estimates. Additional reconnoissance surveys
2 and estimates may be ordered by the board when it deems the same
3 necessary or advisable.

1 SEC. 34. Provisional determination and hearing. Upon the filing
2 of said report the board shall together with a representative from
3 each township, who shall be named by the board of trustees at their
4 January meeting, convene as a board of approval.

5 The township representatives shall receive the same per diem and
6 mileage for attendance at said meeting as received by the members
7 of the board of supervisors and shall be paid from the construction
8 fund.

1 **SEC. 35. Board's action final.** At this meeting this board of ap-
2 proval shall proceed to the final adoption of the program as it pertains
3 to the local county roads. The proposed program or project may be
4 approved without change or may be amended and approved but the
5 action of this board shall be final.

6 The board of approval in planning said construction program shall
7 distribute the improvements in such manner as will give to each
8 township, as soon as may be, an equitable mileage of improved roads,
9 and those townships which have heretofore improved their township
10 roads shall not be discriminated against in this new improvement
11 program. The board of supervisors of any county may provide that
12 the work of maintaining the local county roads of a township shall
13 be performed by the township trustees, subject to the supervision
14 of the county highway engineer. In such case the township trustees
15 shall retain their road equipment, and the board of supervisors shall
16 set aside in the county treasury a sum from the secondary road main-
17 tenance fund, which shall be said township's proportionate share of
18 the maintenance funds for said county devoted to local county roads.
19 In determining the amount thus set aside for use in any township
20 the board shall use as a basis the relative mileage of local county
21 roads in the township as compared to the entire mileage of local
22 county roads in the county.

1 **SEC. 36. County trunk roads.** The board of supervisors shall, im-
2 mediately after the adoption of the local county road program, meet
3 and adopt a program of county trunk roads.

1 **SEC. 37. Record required.** After the construction program or
2 project is finally determined, the county auditor shall record the same
3 at length in a county road book.

1 **SEC. 38. Surveys required.** Before proceeding to the construction
2 of any road or roads included in said program where the grading and
3 draining is estimated to cost over one thousand dollars (\$1,000) per
4 mile, the county engineer shall cause detailed surveys and plans for
5 said road or roads to be prepared.

1 **SEC. 39. Nature of survey.** The engineer's survey shall be on the
2 basis of the permanent improvement of said roads, as to bridge, cul-
3 vert, tile, and road work.

1 **SEC. 40. Details of survey.** Said survey shall show:

2 1. A division into sections of all of the roads embraced in said
3 provisional program, a designation of each section by some appro-
4 priate number, name, or letter, the starting point and terminus of
5 each section, and the mileage of each section.

6 2. An accurate plan and profile of the roads surveyed, showing
7 (1) cuts and fills, (2) outline of grades, (3) all existing permanent
8 bridges, culverts and grades, and (4) proper bench marks on each
9 bridge and culvert.

10 3. The drainage, both surface and subdrainage, necessary to pre-
11 pare said roads for complete construction.

12 4. The location of all lines of tile and size thereof.

13 5. All necessary bridges and culverts, their length, height, and
14 width and foundation soundings.

15 6. An estimate of the watershed having relation to each bridge
16 and culvert.

17 7. An estimate of the construction cost of said roads on the basis
18 of permanent bridges, culverts, tile and road work.

1 SEC. 41. Existing surveys. The engineer may adopt any existing
2 survey of any road or part thereof which is embraced in said program
3 or project, provided such existing survey substantially complies, or
4 is made to comply, with the requirements of this chapter.

1 SEC. 42. Contracts and specifications. The various contracts for
2 the carrying out of said construction program or project in the most
3 efficient, practicable and economical manner shall, as far as possible,
4 be accompanied by standard specifications, and no traveled roadway
5 shall be less than twenty-two (22) feet from shoulder to shoulder.

6 Each bidder on secondary road construction work shall file with
7 the board, statements showing his financial standing, his equipment
8 and his experience in the execution of construction work. Said state-
9 ments shall be on standard forms prepared by the state highway
10 commission.

11 In the award of contracts, due consideration shall be given not
12 only to the prices bid, but also to the financial standing of the con-
13 tractor, his equipment, and his experience in the performance of like
14 or similar contracts as shown by such statements.

1 SEC. 43. Advertisement and letting. All contracts for road or
2 bridge construction work and materials therefor of which the engi-
3 neer's estimate exceeds fifteen hundred dollars (\$1,500), except sur-
4 facing materials obtained from local pits or quarries, shall be adver-
5 tised and let at a public letting. The board may reject all bids, in
6 which event it may readvertise, or may let the work privately at a
7 cost not exceeding the lowest bid received, or build by day labor.

1 SEC. 44. Optional advertisement and letting. Contracts not em-
2 braced within the provisions of the preceding section may be adver-
3 tised and let at a public letting, or may be let privately at a cost not
4 to exceed the engineer's estimate, or may be built by day labor.

1 SEC. 45. Approval of road contracts. Contracts for road construc-
2 tion work which, according to the engineer's estimate, involve a cost
3 of two thousand dollars (\$2,000) or more per mile, or more than five
4 thousand dollars (\$5,000) in the aggregate shall be first approved by
5 the state highway commission before the same shall be effective as a
6 contract.

1 SEC. 46. Record of bids. All bids received shall be publicly opened,
2 at the time and place specified in the advertisement, and shall be
3 recorded in detail, in the road book, by the county auditor; and the
4 county engineer shall in all instances of day labor, private or public
5 contracts, file a detailed cost accounting sheet with the county audi-
6 tor; said book and cost sheets shall at all times be open to public
7 inspection.

1 SEC. 47. Trees—ingress or egress—drainage. Officers, employes,
2 and contractors in charge of said construction and maintenance work
3 shall not cut down or injure any tree growing by the wayside which

4 does not obstruct the road, or tile drains, or any tree which does not
5 materially obstruct the highway or materially interfere with the
6 improvement of the road and which stands in front of any town lot,
7 farmyard, orchard or feed lot, or any ground reserved for any public
8 use, or destroy or injure reasonable ingress or egress to any prop-
9 erty, or turn the natural drainage of the surface water to the injury
10 of adjoining owners; but it shall be their duty to use strict diligence
11 in draining the surface water from the public road in its natural
12 channel, and to this end they may enter upon the adjoining lands for
13 the purpose of removing obstructions from such natural channel that
14 impede the flow of such water.

1 SEC. 48. County trunk roads in cities and towns. The board of
2 supervisors may, subject to the approval of the council of any city or
3 town, purchase or condemn right of way therefor or eliminate danger
4 at railroad crossings, and shall grade, drain, bridge, gravel or main-
5 tain any road or street which is a continuation of the county trunk
6 highway system, or a continuation of a county local road which is
7 built to grade and surfaced or about to be built to grade and sur-
8 faced, and which is (1) within, or partly within and located along the
9 corporate limits of, any town, or (2) within or partly within and
10 located along the corporate limits of, any city, including cities under
11 special charter, having a population of less than twenty-five hundred
12 (2500) or (3) within that part of any city, including cities acting
13 under special charter, where the houses or business houses average
14 not less than two hundred (200) feet apart. The location of such
15 extensions shall be determined by the board of supervisors. The
16 council's approval shall extend only to the consideration of such im-
17 provements in their relationship to municipal improvements such as
18 sewers, water lines, change of established street grades, side walks
19 or other municipal improvements. The provisions of this section shall
20 apply to cities and towns acting under special charter.

ANTICIPATION OF FUNDS

1 SEC. 49. Construction fund anticipated. The board before issuing
2 anticipatory certificates shall seek the advice of the state highway
3 commission and issue said certificates to an amount not exceeding
4 fifty per cent (50%) of the estimated funds which will accrue to the
5 secondary road construction fund during any stated period of from
6 one (1) to two (2) years.

1 SEC. 50. Anticipatory resolution. Such certificates shall be author-
2 ized by a duly adopted resolution which shall specify:

3 1. The secondary road construction funds, specifying the year or
4 years, which are to be anticipated.

5 2. The amount of certificates authorized.

6 3. The denomination of each certificate.

7 4. The rate of interest which each certificate shall bear which
8 shall not exceed five per cent (5%) per annum, payable annually.

9 5. The authorization of the chairman of the board of supervisors
10 and of the county auditor, respectively, to sign and countersign such
11 certificates.

1 SEC. 51. Recitals. Each certificate shall recite:

2 1. The annual accruing secondary road construction funds (nam-
3 ing the year) of which the certificate is anticipatory.

4 2. That said certificate shall be payable on or before December
5 31st of said year.

6 3. That said certificate is payable solely from said accruing sec-
7 ondary road construction funds.

1 SEC. 52. Consecutive numbering and payment. The series of cer-
2 tificates which anticipate the accruing of funds during a given year
3 shall be numbered consecutively and paid in the order of said num-
4 bering.

1 SEC. 53. Execution. Upon the signing of each of said certificates
2 by the chairman of the board, said certificates shall be delivered to
3 the county auditor, who shall countersign the same, charge the county
4 treasurer with the amount thereof, and deliver the same to such latter
5 officer, who shall be responsible therefor on his bond.

1 SEC. 54. Taxation. Said certificates shall be exempt from taxation.

1 SEC. 55. Duty of treasurer. The treasurer shall sell said certifi-
2 cates in accordance with the provisions of chapter sixty-three (63),
3 code, 1927, and shall credit the amount received to said construction
4 fund, or if unable to sell said certificates for par plus accrued interest,
5 the treasurer may apply said certificates at par plus accrued interest
6 in payment of any warrants duly authorized and issued for secondary
7 road construction work.

1 SEC. 56. Registration of certificate holders. The county treasurer
2 shall enter on a record to be kept by him the name and postoffice
3 address of all persons to whom any of said certificates are issued,
4 with a particular designation of the certificates delivered to each
5 person.

1 SEC. 57. Registration of new holder. Any subsequent holder may
2 present his certificates to the county treasurer and cause his name
3 and postoffice address to be entered in lieu of that of such former
4 holder.

ROAD POLL TAX

1 SEC. 57-a1. Poll tax. A road poll tax of four dollars (\$4.00) is here-
2 by annually levied on every male person, including the male officers
3 and employees of any state institution, if any (but not including any
4 committed inmate of such institution) over the age of twenty-one
5 (21) years and under forty-five (45) years, who are residents of the
6 county outside the corporate limits of cities and towns.

1 SEC. 57-a2. Assessors to collect. The township assessor, while
2 making the assessment for his township, shall collect such tax from
3 every person subject thereto.

1 SEC. 57-a3. Claims for exemption. Any person who because of
2 physical disability and inability to pay may appear before the local
3 board of equalization, and present his claim for exemption from such
4 tax, and the decision of the local board shall be final.

1 SEC. 57-a4. Return to county treasurer. The assessor, upon the
2 completion of his work, shall prepare a list of all persons subject to said
3 tax in his township, and clearly indicate thereon those who have paid
4 said tax, and promptly forward said list to the county treasurer. At
5 the same time, the assessor shall pay the entire proceeds of said col-
6 lections to the county treasurer, who shall credit the same to the sec-
7 ondary roads maintenance fund.

8 Said assessor shall take duplicate receipts from the county treasurer,
9 one of which he shall retain and one of which he shall file with the
10 county auditor.

1 SEC. 57-a5. Duty to collect. The duty to collect any unpaid poll tax
2 is hereby imposed on the county treasurer.

1 SEC. 57-a6. Action to recover poll tax. In case of failure of any
2 person to pay said poll tax, the county treasurer, with the approval of
3 the board of supervisors, may appoint and authorize deputies to re-
4 cover said tax by action in their name, and no property or wages be-
5 longing to such person shall be exempt from execution for such tax.
6 Such action shall be brought before any justice of the peace in the
7 county where such person resides.

1 SEC. 57-a7. Delinquent poll tax list—lien. The county treasurer
2 shall, on October first of each year, file with the county auditor a list
3 of the names of all persons in each township, who have not paid
4 said poll tax.

5 The county auditor shall, in making up the tax books for the en-
6 suing year for each township, enter said unpaid poll tax in connection
7 with any other taxes against the delinquent, and said poll tax shall, on
8 January first, following, become and remain a lien on all real estate
9 of the delinquent until paid.

1 SEC. 58. Terminating interest. When the accruing funds in the
2 hands of the county treasurer, for a year covered by anticipatory
3 certificates, are sufficient to pay the first retireable certificate or cer-
4 tificates, the county treasurer shall, by mail, as shown by his records,
5 promptly notify the holder of such certificate of such fact, and thirty
6 days from and after the mailing of such letter all interest on such
7 certificate shall cease.

MISCELLANEOUS AND TEMPORARY PROVISIONS

1 SEC. 59. Township road equipment. All boards of township
2 trustees shall, not later than December 31, 1929, turn over to the board
3 of supervisors all road machinery, tools, equipment, and materials
4 belonging to the township except as provided in section thirty-five
5 (35) and the latter board shall credit the township in construction
6 and maintenance work for the reasonable value thereof. Unless
7 otherwise agreed upon, the valuation of said equipment shall be deter-
8 mined by a board of three appraisers, one to be selected by the board
9 of supervisors, one by the board of trustees of said township so af-

10 fected, and the two thus chosen shall choose a third, which said board
 11 shall duly take oath before any officer authorized to administer oaths
 12 in the state of Iowa, to fairly and impartially discharge their duties as
 13 appraisers, and upon their qualifications they shall make due appraise-
 14 ment of said property and return thereof to the county auditor of said
 15 county, and the valuation so fixed and determined shall be final and
 16 said township credited accordingly. The fees for said appraisers shall
 17 be paid out of said secondary road construction fund.

1 SEC. 60. Clerk to turn over funds. All township clerks shall, prior
 2 to January 1, 1930, turn over to the county treasurer all township road,
 3 drag, and drainage funds in their possession, and take duplicate re-
 4 cepts therefor, one of which they shall file with the county auditor
 5 who shall charge the county treasurer with the amount thereof.

1 SEC. 61. Township credited. The treasurer shall credit the sec-
 2 ondary road maintenance fund with the various sums paid in by the
 3 township clerks, but shall indicate in connection with each entry the
 4 township from which the amount was received, and the board of
 5 supervisors shall, during the year 1930, expend said sum in the im-
 6 provement of the secondary roads of the township from which the
 7 particular sum was received, but such expenditure shall be in addition
 8 to any work done under the provision of section ten (10).

9 In townships where the indebtedness to the county exists, the
 10 amount of such indebtedness shall be deducted from the amount ex-
 11 pended for road work in such townships in nineteen hundred thirty
 12 (1930).

1 SEC. 62. Levies invalidated. All levies made in 1929 by township
 2 trustees for township road, drag, or drainage purposes shall be null
 3 and void.

1 SEC. 63. Assumption of contracts. On January 1, 1930, the county
 2 shall be deemed to have taken over and assumed all valid and legal
 3 outstanding contracts and obligations entered into by the various
 4 boards of township trustees of the county in furtherance of their
 5 duties relative to township roads.

1 SEC. 64. Operations during 1929. Nothing in this chapter shall
 2 be construed to affect any tax heretofore levied and payable in 1929
 3 for bridge, culvert, and road construction or maintenance, or for high-
 4 way drainage, it being the intent of this chapter that all said work
 5 shall be carried on during the year 1929 in the several counties and
 6 townships thereof under and in accordance with the statutes in force
 7 and effect prior to July 4, 1929.

COORDINATING AMENDMENTS

1 SEC. 65. Section three hundred fifty-one (351), code, 1927, is
 2 amended by striking from line eight (8) the word "primary" and by
 3 substituting in lieu thereof the word "secondary".

1 SEC. 66. Road plat book. Section forty-six hundred five (4605),
 2 code, 1927, is amended by striking from said section all parts thereof
 3 after the word "found" in line fourteen (14).

1 **SEC. 67. Costs.** Section forty-six hundred eight (4608), code, 1927,
2 is amended by striking out paragraph two (2) and by inserting in
3 lieu thereof the following, to wit:
4 "2. From the secondary road construction fund in case the change
5 is on a secondary road."

1 **SEC. 68. Allowance of bills.** Section forty-six hundred fifty-three
2 (4653), code, 1927, is amended by striking from line eight (8) the
3 words, "county road or bridge", and by inserting in lieu thereof the
4 following words, to wit: "construction or maintenance".

1 **SEC. 69. Repair and dragging.** Section forty-six hundred sixty
2 (4660), code, 1927, is amended by striking from line three (3) the
3 word "county" and by inserting in lieu thereof the following word,
4 to wit: "secondary".

1 **SEC. 70. Secondary road—payment.** Section forty-six hundred sixty-
2 two-a three (4662-a3), code, 1927, is amended by striking out the
3 first three (3) lines thereof, and by inserting in lieu thereof the fol-
4 lowing: "If said road be a secondary road or if the improvement be a
5 bridge or culvert on a secondary road".

1 **SEC. 71. Bridges on city boundary line.** Section forty-six hundred
2 sixty-six (4666), code, 1927, is amended by striking from lines six
3 (6) and seven (7) the words, "have been made a part of the county
4 road system" and by inserting in lieu thereof the following words,
5 to wit: "are in whole or in part secondary roads".

1 **SEC. 72. Intracounty bridges.** Section forty-six hundred sixty-nine
2 (4669), code, 1927, is amended by striking out the last sentence
3 thereof.

1 **SEC. 73. Intercounty bridges.** Section forty-six hundred seventy
2 (4670), code, 1927, is amended by striking out the last sentence
3 thereof.

1 **SEC. 74. Refunds.** Section one (1), chapter three (3), acts special
2 session forty-second (42nd) general assembly (being a substitute for
3 section forty-seven hundred fifty-five-b five (4755-b5), code, 1927,) is
4 amended by striking therefrom the following sentence, to wit: "The
5 refunds made to any county under this section shall at the option of
6 the board of supervisors of said county be placed to the credit of the
7 county road fund or of the county bridge fund" and by substituting
8 in lieu thereof the following, to wit:
9 "The refunds made to any county under this section shall, upon
10 their receipt by the county, be placed to the credit of the secondary
11 road construction fund unless heretofore pledged."

1 **SEC. 75. Apportionment of gasoline tax.** Section five thousand
2 ninety-three-a nine (5093-a9), code, 1927, is amended by striking out
3 all parts thereof after line four (4) and by inserting in lieu of said
4 stricken words the following, to wit: "Two-thirds (2/3) to the sec-
5 ondary road construction fund of the several counties of the state.
6 The treasurer shall apportion said two-thirds (2/3) portion among
7 the counties of the state in the ratio that the area of each county
8 bears to the total area of the state, and shall, on the first day of each

9 month, remit to the treasurer of each county the amount apportioned
10 to the secondary road construction fund of the county."

1 SEC. 76. **Drainage assessments in general.** Section seventy-four
2 hundred seventy (7470), code, 1927, is amended by striking out the
3 last two (2) sentences thereof and by inserting in lieu thereof the
4 following, to wit:

5 "Such assessments against primary highways shall be paid by
6 the state highway commission from the primary road fund on due
7 certification of the amount by the county treasurer to said commis-
8 sion, and against all secondary roads, from the secondary road con-
9 struction fund or from the secondary road maintenance fund, or from
10 both of said funds."

1 SEC. 77. **Drainage proceedings in general.** Section seventy-five
2 hundred thirty-nine (7539), code, 1927, is amended by striking from
3 lines four (4) and five (5) the words, "county or township" and by
4 inserting in lieu thereof the words, "secondary road";

5 Also by striking from lines seven (7) and eight (8) the words,
6 "the county bridge fund or primary road fund." and by inserting in
7 lieu thereof the words, "either or both of the secondary road funds.
8 If the bridge be a primary road bridge, the work aforesaid shall be
9 done by the state highway commission and paid for out of the primary
10 road fund."

1 SEC. 78. **Highway drainage districts.** Section seventy-six hundred
2 thirty-eight (7638), code, 1927, is amended by striking out the
3 last sentence thereof.

1 SEC. 79. **Highway drainage districts.** Section seventy-six hundred
2 forty-two (7642), code, 1927, is amended by striking from line six (6)
3 the words "county road system," and by inserting in lieu thereof the
4 words, "secondary road system, or";

5 Also by striking from line seven (7) the words "or the township
6 road system,";

7 Also by striking from line eight (8) the words "and all" and by in-
8 serting in lieu thereof the words "or both".

1 SEC. 80. **Highway drainage districts.** Section seventy-six hundred
2 forty-four (7644), code, 1927, is amended by striking from line three
3 (3) thereof the words, "county road fund" and by inserting in lieu
4 thereof the following words, to wit:

5 "secondary road construction fund or the secondary road mainte-
6 nance fund, or out of both of said funds";

7 Also by striking from line five (5) the word "county" and by in-
8 serting in lieu thereof the word "road".

1 SEC. 81. **Highway drainage districts.** Section seventy-six hundred
2 forty-seven (7647), code, 1927, is amended by striking out all parts
3 of said section after and including the word "and" in line eleven (11)
4 and by inserting in lieu thereof the following words, to wit:

5 "except that no attorney fee shall be taxed, and pay the costs and
6 expense of such condemnation from either or both of said secondary
7 road funds."

1 SEC. 82. **Trees in highways.** Section seventy-six hundred forty-
 2 nine (7649), code, 1927, is amended by striking from lines four (4)
 3 and five (5) the words "or the board of township trustees";
 4 Also by striking from line six (6) the words, "under their respective
 5 jurisdictions".

1 SEC. 83. **Removal of obstructions.** Section seventy-six hundred
 2 fifty (7650), code, 1927, is amended by striking from lines four (4),
 3 five (5) and six (6) the words, "or the board of township trustees, as
 4 the case may be".

REPEALS AND SUBSTITUTES

1 SEC. 84. **Opening and working.** Section forty-five hundred ninety
 2 (4590), code, 1927, is repealed and the following is enacted in lieu
 3 thereof, to wit:

4 "4590. **Opening and working.** Secondary roads shall be opened and
 5 worked by the board of supervisors."

1 SEC. 85. **Use of gravel beds.** Section forty-six hundred fifty-nine
 2 (4659), code, 1927, is repealed and the following is enacted in lieu
 3 thereof:

4 "4659. **Use of gravel beds.** The board of supervisors may permit
 5 private parties or municipal corporations to take materials from such
 6 acquired lands in order to improve any street or highway in the
 7 county, but it shall be a misdemeanor for any person to use or for the
 8 board of supervisors to dispose of any such material for any purpose
 9 other than for the improvement of such streets or highways."

1 SEC. 86. **Highway drainage districts.** Section seventy-six hundred
 2 forty-three (7643), code, 1927, is repealed and the following is enacted
 3 in lieu thereof:

4 "7643. **Assessment—report.** The commission for assessment of
 5 benefits and classifying the property assessed shall determine and
 6 report:

7 1. The separate amount which shall be paid by the county on ac-
 8 count of the secondary road system.

9 2. The separate amount which shall be paid by the state on account
 10 of the primary road system.

11 3. The amounts which shall be assessed against the right of way
 12 or other real estate of each railway company within such district.

13 4. The amounts which shall be assessed against each forty-acre
 14 tract or less within such district."

1 SEC. 87. **Highway drainage districts.** Section seventy-six hundred
 2 forty-five (7645), code, 1927, is repealed and the following is enacted
 3 in lieu thereof:

4 "7645. **Payment from road funds.** The amount fixed by the final
 5 order of the board to be paid:

6 1. On account of the primary road system, shall be payable by the
 7 state highway commission on due certification of the amount by the
 8 county treasurer to said commission out of the primary road fund.

9 2. On account of the secondary road system, may be payable from
 10 the secondary road construction fund, or from the secondary road
 11 maintenance fund, or from both of said funds.

1 SEC. 87-a. Should any court of competent jurisdiction within the
2 state of Iowa declare any of the provisions of this act unconstitutional,
3 illegal, or void, such decision shall not invalidate any other provision
4 herein contained.

REPEALS

1 SEC. 88. Sections forty-six hundred thirty-five (4635) to forty-six
2 hundred forty-four (4644), inclusive, sections forty-six hundred forty-
3 six (4646), to forty-six hundred fifty (4650), inclusive, forty-six hun-
4 dred sixty-two-a two (4662-a2), forty-six hundred sixty-four (4664),
5 forty-six hundred sixty-five (4665), forty-six hundred seventy-five
6 (4675), seventy-four hundred eighty-five (7485), and chapters two
7 hundred forty-four (244) and two hundred forty-five (245), code,
8 1927, are repealed.

Senate File No. 169. Approved April 13, A. D. 1929.

CHAPTER 21

PRIMARY ROADS. ESTABLISHMENT AND MAINTENANCE

AN ACT to amend section forty-seven hundred fifty-five-b-twenty-seven (4755-b27) of the code, 1927, relating to the improvement, maintenance, relocation or establishment of primary roads, the purchase or condemnation of right of way therefor and the filing of right of way maps.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That section forty-seven hundred fifty-five-b-twenty-
2 seven (4755-b27) of the code, 1927, is hereby amended:
3 a. By inserting the words "maintenance, relocation, establish-
4 ment or" following the word "the" in line two (2) thereof.
5 b. By inserting a period after the word "hereof" in line eleven
6 (11) and striking out the remainder of the section.
7 c. By adding to said section the following:
8 "The provisions of chapter two hundred thirty-seven (237) of the
9 code, 1927, shall not apply to the establishment, vacation, alteration
10 or improvement of primary roads. No such roads shall be established
11 through any cemetery or burying ground without the consent of all
12 of the parties affected by the same, nor shall any ground be taken
13 for the rounding of a corner where the dwelling house, lawn and
14 ornamental trees connected therewith are located at such corner,
15 except by consent of the owner thereof. Upon the completion of a
16 primary road paving project, or upon the completion of a grading
17 project on a primary road that is not to be paved, the state highway
18 commission shall file with the auditor and with the recorder of the
19 county in which such project is located, a complete right of way map
20 of said project. Said right of way maps shall be filed by the auditor
21 and recorder and shall become a part of the permanent records of
22 such offices."

Senate File No. 415. Approved April 16, A. D. 1929.